

---

By: **Delegates McComas and Boutin**  
Introduced and read first time: February 13, 2004  
Assigned to: Environmental Matters

---

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws - Distracted Driving**

3 FOR the purpose of prohibiting a driver of a motor vehicle that is in motion from  
4 being distracted by engaging in certain activities; providing that a driver may  
5 use a mobile telephone or electronic device under certain circumstances;  
6 establishing that a certain violation is not a moving violation for the purpose of  
7 assessing points; requiring a law enforcement officer who makes a certain report  
8 to include certain information; requiring certain reports to be provided to the  
9 Motor Vehicle Administration; requiring the Administration to make a certain  
10 report to the General Assembly on or before a certain date each year;  
11 authorizing a judge to waive a certain penalty under certain circumstances;  
12 defining certain terms; requiring the Administration to provide information  
13 about distracted driving to certain drivers and to include questions about  
14 distracted driving on the driver's license exam; and generally relating to  
15 distracted driving.

16 BY adding to  
17 Article - Transportation  
18 Section 21-1123  
19 Annotated Code of Maryland  
20 (2002 Replacement Volume and 2003 Supplement)

21 BY repealing and reenacting, without amendments,  
22 Article - Transportation  
23 Section 27-101(a) and (b)  
24 Annotated Code of Maryland  
25 (2002 Replacement Volume and 2003 Supplement)

26 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
27 MARYLAND, That the Laws of Maryland read as follows:

1 **Article - Transportation**

2 21-1123.

3 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
4 INDICATED.

5 (2) "Distracted" means engaging in activities that cause the  
6 driver to be inattentive while operating a motor vehicle and that  
7 result in the unsafe operation of the vehicle including:

8 (I) READING;

9 (II) WRITING;

10 (III) PERFORMING PERSONAL GROOMING;

11 (IV) INTERACTING WITH PETS OR OTHER UNSECURED CARGO; OR

12 (V) USING A MOBILE TELEPHONE OR OTHER ELECTRONIC DEVICE.

13 (3) "ELECTRONIC DEVICE" INCLUDES COMPUTERS, PAGERS, AND VIDEO  
14 GAMES.

15 (4) "HANDS-FREE ACCESSORY" MEANS AN ATTACHMENT TO OR  
16 BUILT-IN FEATURE OF A MOBILE TELEPHONE THAT ALLOWS A DRIVER TO MAINTAIN  
17 BOTH HANDS ON THE STEERING WHEEL WHILE USING THE MOBILE TELEPHONE.

18 (5) "MOBILE TELEPHONE" MEANS A CELLULAR, ANALOG, WIRELESS, OR  
19 DIGITAL TELEPHONE CAPABLE OF SENDING OR RECEIVING TELEPHONE MESSAGES  
20 WITHOUT AN ACCESS LINE FOR SERVICE.

21 (B) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, A DRIVER OF  
22 A MOTOR VEHICLE THAT IS IN MOTION MAY NOT BE DISTRACTED.

23 (C) A DRIVER MAY USE A MOBILE TELEPHONE OR ELECTRONIC DEVICE IF:

24 (1) EXCEPT FOR A DRIVER HOLDING A LEARNER'S INSTRUCTIONAL  
25 PERMIT OR THE DRIVER OF A SCHOOL BUS CARRYING PASSENGERS, THE MOBILE  
26 TELEPHONE OR ELECTRONIC DEVICE IS EQUIPPED WITH A HANDS-FREE  
27 ACCESSORY;

28 (2) THE MOBILE TELEPHONE OR ELECTRONIC DEVICE IS BEING USED  
29 TO CALL A 9-1-1 EMERGENCY TELEPHONE SYSTEM OR A PUBLIC SAFETY AGENCY IN  
30 CONNECTION WITH AN EMERGENCY;

31 (3) THE MOBILE TELEPHONE OR ELECTRONIC DEVICE IS BEING USED  
32 BY A LAW ENFORCEMENT OFFICER, EMERGENCY PERSONNEL, OR THE DRIVER OF AN  
33 AUTHORIZED EMERGENCY VEHICLE ACTING WITHIN THE SCOPE OF THE PERSON'S  
34 OFFICIAL DUTIES; OR

1 (4) THE USE IS LIMITED TO TURNING THE MOBILE TELEPHONE OR  
2 ELECTRONIC DEVICE ON OR OFF.

3 (D) A VIOLATION OF THIS SECTION IS NOT A MOVING VIOLATION FOR THE  
4 PURPOSE OF ASSESSING POINTS UNDER § 16-402 OF THIS ARTICLE.

5 (E) A JUDGE MAY WAIVE A PENALTY IMPOSED FOR A FIRST VIOLATION OF  
6 THIS SECTION INVOLVING A MOBILE TELEPHONE OR AN ELECTRONIC DEVICE IF,  
7 PRIOR TO THE HEARING DATE, THE DRIVER:

8 (1) ACQUIRES A HANDS-FREE ACCESSORY; AND

9 (2) PROVIDES PROOF OF THE ACQUISITION TO THE COURT.

10 (F) (1) A LAW ENFORCEMENT OFFICER WHO MAKES A WRITTEN REPORT OF  
11 AN ACCIDENT INVOLVING A MOTOR VEHICLE SHALL INCLUDE IN THE REPORT THE  
12 FOLLOWING INFORMATION:

13 (I) WHETHER A MOBILE TELEPHONE OR OTHER ELECTRONIC  
14 DEVICE WAS PRESENT IN THE MOTOR VEHICLE AT THE TIME OF THE ACCIDENT;

15 (II) WHETHER THE USE OF A MOBILE TELEPHONE OR OTHER  
16 ELECTRONIC DEVICE MAY HAVE CONTRIBUTED TO THE CAUSE OF THE ACCIDENT;  
17 AND

18 (III) WHETHER THE DRIVER BEING DISTRACTED MAY HAVE  
19 CONTRIBUTED TO THE CAUSE OF THE ACCIDENT.

20 (2) THE LAW ENFORCEMENT AGENCY SHALL PROVIDE TO THE  
21 ADMINISTRATION A COPY OF EACH ACCIDENT REPORT INDICATING THAT THE  
22 DRIVER BEING DISTRACTED CONTRIBUTED TO THE ACCIDENT.

23 (G) ON OR BEFORE DECEMBER 31 OF EACH YEAR, THE ADMINISTRATION  
24 SHALL REPORT TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2-1246 OF THE  
25 STATE GOVERNMENT ARTICLE, ON THE INFORMATION PROVIDED UNDER  
26 SUBSECTION (F) OF THIS SECTION AND THE POSSIBLE RELATIONSHIP BETWEEN  
27 MOTOR VEHICLE ACCIDENTS IN THE STATE AND VIOLATIONS OF THIS SECTION.

28 27-101.

29 (a) It is a misdemeanor for any person to violate any of the provisions of the  
30 Maryland Vehicle Law unless the violation:

31 (1) Is declared to be a felony by the Maryland Vehicle Law or by any  
32 other law of this State; or

33 (2) Is punishable by a civil penalty under the applicable provision of the  
34 Maryland Vehicle Law.

1 (b) Except as otherwise provided in this section, any person convicted of a  
2 misdemeanor for the violation of any of the provisions of the Maryland Vehicle Law is  
3 subject to a fine of not more than \$500.

4 SECTION 2. AND BE IT FURTHER ENACTED, That the Motor Vehicle  
5 Administration shall:

6 (1) provide educational information on distracted driving to drivers  
7 obtaining learner's permits; and

8 (2) include questions pertaining to distracted driving on the driver's  
9 license exam.

10 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take  
11 effect October 1, 2004.